

REPORT

OF THE

COMMITTEE ON INLAND NAVIGATION,

RELATIVE

TO AN AQUEDUCT OVER THE DELAWARE RIVER,

TOGETHER WITH

THE AMENDMENT OF MR. PORTER.

HARRISBURG:

J. M. G. LESCURE, PRINTER TO THE STATE.

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REPORT.

Mr. Beaumont, from the Committee on Inland Navigation and Internal Improvements, to whom was committed the bill, No. 5, authorizing the construction of an aqueduct across the Delaware river, at the termination of the Mauch Chunk canal at its junction with the Delaware division of the Pennsylvania canal, made report :

That they have had the subject under consideration, and respectfully submit the following views and conclusions, to wit : That the State of Pennsylvania has embarked in a broad and general system of internal improvements, by canals and railroads, with which the prosperity and future welfare of her citizens are intimately connected, and thereby incurred a debt of more than forty millions of dollars, in addition to the large amounts that have already been drawn from them to sustain the system thus far—necessarily bringing in its train a very heavy and discouraging weight of taxation—crippling, in a degree, the energies of the State, and driving population from its borders ; that through many years of unwise and improvident legislation, some of the most important interests and franchises of the Commonwealth have been yielded up to corporations and bodies politic, many of which have their location out of the Commonwealth, thus enabling strangers, who hold no allegiance to our State, and who have little interest in its prosperity, to engross and monopolize its most important branches of business and resources, thereby impairing and discouraging the legitimate interests and pursuits of its citizens proper, and, by consequence, draining and abstracting the business and tonnage from our own canals and railroads ; and forasmuch, as in order to sustain untarnished the credit of our good old Commonwealth, besides the income from our public works, the property and business of its citizens are now taxed to the utmost tension, with little hope, without resorting to other sources of revenue, of diminishing her great public debt, your committee respectfully believe it becomes the imperative duty of the Legislature to guard, with scrupulous care, the remaining interests and franchises of the State, and to husband her remaining resources with vigilant fidelity ; that while we bequeath to our posterity a heavy debt, we may leave also within their reach the means of its liquidation. Your committee also regard every enlargement of the franchises of the aforesaid corporations, in the existing state of affairs, as intrenchments upon the rights of our own citizens, and as militating against the legitimate interests of the State, and as impairing its substantial prosperity. We also respectfully believe that Pennsylvania, with her rich soil—inexhaustible mineral resources—the productive energies and frugal habits of her excellent population, with a wise, fostering and protective system of legislation, would be the most happy, prosperous, rich and powerful member of this confederacy ; yet, nevertheless, she is laboring against accumulated embarrassments, and stooping under a heavy load of taxation.

To present to view the condition of the remaining resources of our Commonwealth, and the out-lets for the mineral wealth of her citizens that still remain within her control, it may not be irrelevant to show the cordon of companies that embrace her eastern frontier.

The companies that command the out-lets on the whole eastern frontier of the State, commencing at the north and advancing towards the south, are—first, the Hudson and Delaware company, commanding the communications in the direction of the Hudson river ; next, the Mauch Chunk, Hazleton, Beaver Meadow, and other companies of less importance, all more or less tributary to the Mauch Chunk company, which em-

braces within its chartered privileges all the rights and liberties of the Lehigh river, from White Haven to the Delaware, at its junction with the Delaware division of the Pennsylvania canal; and lastly, the companies that embrace the whole region of the Schuylkill and its tributaries, and the uses and franchises of that river. This system of incorporation forms an almost impassable cordon, barring out effectually any individual competition or private enterprize, unless subservient to those great companies. The only effectual indemnity which Pennsylvania, in her boundless generosity, has reserved on the whole eastern frontier of the State, is the privilege of receiving tolls upon the Delaware division of the Pennsylvania canal, which alone yielded to the Treasury during the last fiscal year, one hundred and ninety six thousand seven hundred and fourteen dollars and twenty-four cents, and which the proposed grant by the Legislature, of the aqueduct, would enable the companies that now use this canal for transporting their coal to market, to effectually elude.

The only avenues remaining to the citizens of Pennsylvania for the transportation of their coal to market, independent of incorporated companies, are—first, the main Susquehanna line of canal, through or upon which was carried, during the past year, some two hundred and fifty thousand tons, constituting a very large item of her income to the Treasury; and the contemplated North Branch canal, which, when completed, will open a communication with the western portion of the State of New York; and the large extent of country that borders upon the lakes, which region of country, in respect to the coal trade, this branch of the Pennsylvania canal will effectually command, unimpaired by any rival interest. It would seem, then, that it would comport with the best and most important interests of the State, to foster, by every legitimate means, these remaining avenues for her richest trade.

Your committee believe that by guarding the remaining resources of our Commonwealth with scrupulous care, by a prudent direction of her great energies, by a frugal and paternal administration of her public affairs, by a strict inspection of all the branches of administration, by enforcing a rigid accountability of all the agents employed under her vast patronage, and by a just and wise exercise of the prerogative of taxation, and by reaching legitimate *subjects* of taxation that have thus far escaped the apprehension of the Legislature, our good old Commonwealth would in due time be relieved from her present embarrassments, and placed upon a basis of unparalleled prosperity; and by which she would be enabled, under the guidance of wise and patriotic counsels, to occupy that rank, and exercise that influence in the Republic to which her position, her resources, and the excellent character of her citizens entitle her.

Influenced by these considerations, your committee have thought proper to report, as committed, the said bill to the House, with a recommendation that the same be negatived.

AMENDMENT OF MR. PORTER.

Strike out all after the word "report," and insert as follows, viz:

The Legislature of Pennsylvania, by an act passed the 20th day of March, 1818, (pamphlet laws 197, &c.) authorized Josiah White, George F. A. Hauto and Erskine Hazard, to improve the navigation of the river Lehigh, which was a public highway, upon pretty much the same terms on which they had previously authorized the Schuylkill navigation company to improve the navigation of that river, and on which they subsequently authorized Maurice Wurts to improve the navigation of the Lackawaxen. The rights of Messrs. White, Hauto & Hazard were subsequently transferred, under a legislative enactment, to the Lehigh coal and navigation company, who completed the work which those individuals had begun. The rights of Maurice Wurts were subsequently transferred, by virtue of a legislative enactment, to the Hudson and Delaware canal company. The three companies, thus incorporated or authorized, respectively, completed excellent communications from three of the great coal regions of Pennsylvania to markets.

The rights of the Lehigh coal and navigation company, on the river Lehigh, extend from the Great falls, at Stoddartsville, to the mouth of the river. A complete slack-water navigation, with occasional short canals, has been completed from Easton to White's Haven, where a costly railroad connects their improvement with Wilkes-Barre. This railroad is perhaps the most difficult and expensive work of the kind in the United States. It was authorized to be constructed by a subsequent law, which excused the company, in consideration thereof, from continuing the slackwater navigation to Stoddartsville. The company, however, have also a descending navigation in the river, from the Great falls to White's Haven.

The works constructed on the Lehigh are of the most substantial kind of any in the Commonwealth, and they open to the coal fields in the vicinity of Wilkes-Barre; to those in the Hazleton, Beaver Meadow and Sugar-loaf basins, and to those in the vicinity of Mauch Chunk, an out-let to both the Philadelphia and New York markets, through the Delaware division of the Pennsylvania canal, and to the market through the interior of New Jersey, bordering on the Morris canal, by that improvement.

All the coal descending the Lehigh, and destined for the Philadelphia and New York markets, must pass along the Delaware division of the Pennsylvania canal; that for Philadelphia, as far as the termination of that canal, at Bristol, and that for New York, as far as New Hope, where it passes out into the river, by an out-let lock constructed by order of this Commonwealth, and crossing the river, enters the Delaware and Raritan canal, and navigates it to New Brunswick, where it debouches into the tide waters of the Raritan.

The locks on the Lehigh navigation, above Nesquehoning, are twenty feet in width; those between the mouth of Nesquehoning and the mouth of the Lehigh, are twenty-two feet in width. The locks on the Delaware division of the Pennsylvania canal, by a very unwise decision of the Canal Board, were constructed of the width of eleven feet only, with the exception of the guard-lock at Easton and the out-let lock at Bristol; and of course the capacity of that canal is just one-half that of the Lehigh coal and navigation company's works between Mauch Chunk and Easton. All the coal, however, leaving the Delaware division at New Hope, is charged with the same toll to the

Commonwealth, as if it had passed the whole length of the Delaware division to Bristol.

When the Delaware division of the Pennsylvania canal was constructed, it became advisable to feed it from the river Lehigh, and consequently a dam, raising the water ten feet, was erected across that stream near its mouth, by which the water power of the Lehigh coal and navigation company, at South Easton, was reduced ten feet. In consideration of that company permitting this, without claim of damages, the Commonwealth agreed that an out-let lock should be constructed at the mouth of said river into the river Delaware, and that all boats navigating the Lehigh coal and navigation company's canal or improvement, should pass thereout into the river Delaware and back again free of tolls or charge. The Legislature of Pennsylvania, by joint resolution of the 2d April, 1831, extended this privilege, by providing "that all river boats or arks, owned by any person residing on the Lehigh river, shall be entitled to pass the out-let lock at the mouth of the said river, either going out into the river Delaware or returning therefrom, without toll or charge for such passage." This resolution will be found in pamphlet laws, page 504.

The Morris canal was constructed by a company, under the authority of the Legislature of New Jersey, from a point on the river Delaware, opposite to the mouth of the Lehigh, to Newark, New Jersey, and they have authority to continue the same to Jersey city, opposite New York, but, as yet, have not done so. The canal, as far as constructed, was commenced before the Delaware division of the Pennsylvania canal, or even the Lehigh canal, was made. It runs a circuitous route through the counties of Warren, Sussex, Morris, Passaic and Essex. It passes the elevation of the Kittatinny valley, and the South (or Schooley's) mountain by locks and inclined planes, ascending above seven hundred feet and descending about nine hundred feet, by similar means, to the tide waters of the Passaic, at Newark. It has never yet passed over one hundred thousand tons of coal in a year, and all of that amount, and more, will be required for consumption along the line of the canal, and none of it, in consequence of the amount of lockage and the number of inclined planes, can ever be carried to the city of New York in successful competition with the route by the Delaware division to New Hope, and thence by the Delaware and Raritan canal. The capacity of the locks on the Delaware division is equal to that of those on the Morris canal; the capacity of those on the Delaware and Raritan canal is much greater, and the whole lockage on that route does not exceed one hundred and sixty feet, or the one-tenth part of that of the Morris canal.

It will thus be seen, that persons carrying coal on the Lehigh have now the right to pass out the out-let lock at Easton free of charge, and therefore, when there is sufficient water in the Delaware, which is the case at least nine months in the year, the boats loaded with coal for the Morris canal, can pass over the river and enter that canal. But it so happens that in times of low stages of water, which often occur in the months of July, August and September, the water in the river, between the out-let lock on the Pennsylvania side and the in-let lock on the New Jersey side, is not of sufficient depth to carry full loads across, and hence boats have to unload parts of their cargoes before crossing the river, and coal has to be carried across in separate boats, and unloaded on the Morris canal on the other side of the river, in order to make up the full loads of the boats, after they enter that canal. It was to obviate this difficulty that application was made to the Legislature of New Jersey for a law authorizing the said Morris canal company to construct an aqueduct, or bridge, across the river Delaware, and the act was accordingly passed on the 9th day of February, 1849, as follows:

"SEC. 8. That for the purpose of connecting the navigation of the canal of this company with the canal navigation of the State of Pennsylvania, the said company are hereby empowered to erect and construct either a bridge or aqueduct, as to the said company may seem most convenient, across the river Delaware, at or near the western termination of the said canal: *Provided always*, That the said bridge shall be constructed in such manner as that the same shall not unnecessarily interfere with the navigation or fisheries of the said river: *And provided*, That the provisions of this section shall not

take effect until a similar power is conferred upon the said company by the State of Pennsylvania."

That company has asked of the Legislature of Pennsylvania to pass a law concurring with the New Jersey enactment.

The passage of such concurrent enactment would be but an act of courtesy due to the State of New Jersey, which has never even protested against the act of the Canal Commissioners of this Commonwealth, in diverting the river Lehigh from flowing into the river Delaware, and making it the feeder of the Delaware division of the Pennsylvania canal. The river Delaware is a public highway, forming the boundary between the two States, and its use secured, in common, to the citizens of both States by the compact of April 26, 1783.—(See 2d Smith laws, page 77, &c.)

It is, at best, a narrow and contracted policy that would prohibit the citizens of one State of this Union, from sending their products to the best market they can find. It is one on which the State of Pennsylvania has seldom acted.

She has urged the clearing of obstructions from the Ohio and Mississippi, that the people of western Pennsylvania may have the market which New Orleans affords.

She commenced the construction of a canal from the Ohio, at Beaver, to lake Erie, and being unable to finish it, has transferred it to a company which has completed it, that the same portion of our citizens may have an out-let for their trade to lake Erie.

She formerly cleared out the obstructions in the Susquehanna, from Columbia to the Maryland line, and has since incorporated a company to construct a canal along the same part of the river, and has herself actually continued that canal as far as the coal fields of the Wyoming valley, that the products upon the margin of that river may take either the Baltimore or Philadelphia market, as may best suit their interest.

Many years since this Commonwealth incorporated companies to construct turnpike roads from Chambersburg and from York, to the Maryland line, to meet turnpikes leading thence to Baltimore; and they have been made and in use for a long period of time. More recently, a railroad company has been incorporated to construct a road from York to the State line; whence it has been continued to Baltimore. And a railroad is now being constructed from York to Harrisburg, to extend the conveniences of our citizens in transporting produce to Baltimore.

She has given an out-let lock from the Delaware division at New Hope, that the citizens of North-eastern Pennsylvania may carry their coal and other products to New York, when that market will afford them better prices than Philadelphia.

She has permitted the Hudson and Delaware canal company to construct an improvement, by railroad and canal, to carry the coal of the Lackawanna valley to the market which is found for the same in the State of New York.

She has incorporated the Washington coal company, and authorized it to construct a railroad from the Lackawanna valley, at Pittston, on the Susquehanna, to connect with the Hudson and Delaware canal, at the mouth of Middle creek, that the coal of that portion of the Wyoming coal field, may also find an out-let to the markets therefor, afforded by the State and city of New York.

She has agreed by solemn compact, as well as by Legislative enactment, to permit all persons navigating the river Lehigh, to pass out into the river Delaware by the out-let lock at Easton, in order that they might enter the Morris canal, and find a market for any thing they had to sell along its borders.

The State, too, commenced the continuation of the North Branch canal from Pittston up to the New York State line, in order to afford a further out-let for the coal of the Wyoming valley into the State of New York. The work, however, was suspended for want of means—it was offered to a company to complete it—that company has failed to do it, and the State is now urged to increase the State debt to complete it.

The erection of this aqueduct, instead of being an injury, will be a positive benefit to the Delaware division. Every boat that now passes out, takes a lock full of water, and every boat returning does the same, unless they should be ready to pass at the same time. The supply of water for the Delaware division is thus diminished, and on more than one occasion, that supply has been found insufficient to permit a full navi-

gation of the canal; for that canal derives the entire water with which it is fed from Easton to New Hope, a distance of thirty-six miles, from the river Lehigh, at Easton.

The Morris canal above the inclined plane, by which it connects with the river Delaware, is several feet higher than the Delaware division of the Pennsylvania canal. By the construction of an aqueduct, not only would the water now used in passing the out-let lock be saved, but there would be a gain to the Delaware division of all the water used in locking down into the basin formed by the dam at Easton, or into the Lehigh canal which debouches into it.

If an inclined plane should be adopted for crossing the river with the boats, then all the water used by boats navigating the Morris canal, and passing through the out-let lock, only would be saved.

The trade upon the Morris canal is an important one to Pennsylvania. It not only takes coal from the Lehigh and Wyoming coal fields, but in return it sends to Pennsylvania large quantities of the fine primitive iron ore found in the South mountain, in New Jersey, which the iron masters on the Lehigh find so important in the manufacture of iron, which being there manufactured, is then sent to market through the Delaware division of the Pennsylvania canal, and pays a heavy toll on the manufactured article.

Whether the Legislature of Pennsylvania was wise or unwise in the grant of the said rivers for purposes of improvement, is not now a question. If the thing was now to be acted on, it might be a grave question, whether it would be prudent to grant to any corporate body the power which those companies possess. They have, however, expended millions of money in developing the resources of the Commonwealth and opening avenues to market, and making valuable articles of commerce of that which otherwise would lie useless in the bowels of the earth. They have given employment to a large number of industrious citizens, and villages and towns have sprung up in consequence of the expenditure of their money, in places which otherwise would have remained uncultivated wildernesses. Markets too have been furnished for almost every article of agricultural products, and our artisans also have there found vent for the products of their workshops. Yet it is a well known fact, that notwithstanding all the advantages derived by the public from these expenditures, those who have made them, with the single exception of the stockholders of the Delaware and Hudson canal company, have not realized half the usual rates of interest on the money they have invested.

Again, so far as the Delaware division is concerned, it derives nearly nine-tenths of its revenue from the coal which can alone be reached through the canal of the Lehigh coal and navigation company.

Persons may talk of the State debt driving population from the borders of our State, but it is very questionable whether the population of Pennsylvania has ever increased in a greater ratio than the next census will show the population to have increased since the year 1840.

If this State debt, however, is such a drawback on the prosperity of our Commonwealth, would not that supposed drawback have been increased upwards of twenty millions of dollars if the Commonwealth had constructed the entire improvements into all our coal fields, or was there not more wisdom in committing their construction to the corporations which have completed them. That they have increased the ability of our citizens to pay the taxes imposed, to meet the interest on our State debt, no one can doubt. That incorporated companies can construct such works cheaper than the State can, is equally clear. Every man conversant with our public works knows that they cost the Commonwealth at least fifty per cent. more than they need, and more than they would have cost, if constructed under the watchful eye of private interest.

Corporations should never be created to perform that which individual enterprise is capable of accomplishing. But where a matter of public interest requires greater expenditures than individuals can command, they become necessary. When created, they should be properly guarded, to see that they cannot abuse the rights conferred, to the prejudice of the public at large. The policy of plunging the State into the debt incurred for our public works was doubted before the system was commenced, and subsequent experience showed that even the most important improvements which the

trade and business of the country required could not be carried through, without coupling with them works of minor importance, in order to obtain legislative votes and influence. Thus, the State suffered not only from paying too much for the construction of proper works, but also from having to construct others of minor importance.

But a brighter day is dawning upon our Commonwealth. If we practice a strict system of economy, husband our resources, meet our engagements by a just and equal system of taxation, which will make each person contribute according to his means, foster the energies and give encouragement to the industry of our citizens, giving them the best and readiest markets for their products and labor, we shall soon, in the increased resources and abilities of our Commonwealth, be able to laugh at the fears of those who ever doubted the faith, the will, or the ability of Pennsylvania to meet her engagements.

